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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/553,970	10/19/2005	Claudiu Vasilescu	1200.741	8186
7590 08/19/2008 Berenato White & Stavish 6550 Rock Spring Drive, Suite 240 Bethesda, MD 20817				
EXAMINER NGUYEN, HANH N				
ART UNIT 2834		PAPER NUMBER		
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/553,970

**Applicant(s)**

VASILESCU ET AL.

**Examiner**

HANH N. NGUYEN

**Art Unit**

2834

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 11 April 2008.  
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-17 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-17 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☒ The drawing(s) filed on 11 April 2008 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:  
1. ☒ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO/CIS)  
4) ☐ Interview Summary (PTO-413)  
5) ☐ Notice of Informal Patent Application  
6) ☐ Other: \_\_\_\_\_  
Paper No(s)/Mail Date \_\_\_\_\_

## DETAILED ACTION

### *Remarks*

1. In view of amendments, the Examiner withdraws the objections to the drawings and the specifications

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1-4 and 7-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's Admitted Prior Art (AAPA) in view of Hayashi et al (US 5,763,968).

Regarding claim 1, AAPA disclose a rotary electrical machine comprising a stator (5) and a rotor (4), the rotor (4) including zones (26) which are adapted for balancing operations thereon, together with at least one fan (7, 9) which is adapted to be mounted on the rotor and which includes a radial plate portion (3) and fan blades (Figs. 1, 2 and pages 2-4 of the specification of the present invention). AAPA fails to show the fan fixed to the rotor is pre-balanced prior to mounting on the rotor (the method of forming the device is not germane to the issue of patentability of the device itself. Therefore, this limitation has not been given patentable weight).

However, Hayashi et al. disclose a rotary electrical machine wherein the fan (6 in Fig. 1) fixed to the rotor is pre-balanced (Col. 4, lines 12-14) prior to mounting on the rotor (the method of forming the device is not germane to the issue of patentability of

the device itself. Therefore, this limitation has not been given patentable weight) for the purpose of reducing noise (Col. 1, lines 38-50).

Since AAPA and Hayashi et al. are in the same field of endeavor, the purpose disclosed by Hayashi et al. would have been recognized in the pertinent art of AAPA.

It would have been obvious at the time the invention was made to a person having an ordinary skill in the art to modify AAPA by fixing the fan to the rotor wherein the fan is pre-balanced prior to mounting on the rotor as taught by Hayashi et al. for the purpose of reducing noise.

Regarding claim 2, AAPA disclose a rotary electrical machine wherein the radial plate portion of the fan has a non-constant thickness (the thickness is increased at the web area near reference sign 21 in Fig. 2).

Regarding claim 3, AAPA disclose a rotary electrical machine wherein the radial plate portion of the fan includes portions of material of increased thickness.

Regarding claim 4, Hayashi et al. disclose a rotary electrical machine wherein the radial plate portion (63 in Fig. 1) of the fan includes holes (65).

Regarding claim 7, AAPA disclose a rotary electrical machine wherein the fan is a fan consisting of two superimposed fans (Fig. 2 of the present invention).

Regarding claim 8, Hayashi et al. disclose a rotary electrical machine wherein the fan has material (hatched portion X as shown in Fig. 5) removed, with a view to balancing it.

Regarding claims 9 and 10, it would have been obvious to one ordinary skill in the art at the time the invention was made to arrange two superimposed fans so that the radial plate portion of each of the two superimposed fans has holes or thinned portions in at least one common zone or in different zones since it has been held that rearranging parts of an invention involves only routine skill in the art. In re Japikse, 86 USPQ 70.

Regarding claim 11, Hayashi et al. disclose a rotary electrical machine wherein the rotor is pre-balanced.

Regarding claim 12, it would have been obvious to one ordinary skill in the art at the time the invention was made to put the balancing hole of the rotor in line with a blade of the pre-balanced fan, since it has been held that rearranging parts of an invention involves only routine skill in the art. In re Japikse, 86 USPQ 70.

Regarding claim 13, it would have been obvious to one ordinary skill in the art at the time the invention was made to make the central bore of the fan de-centered so as to bring the axis of rotation of the machine into coincidence with the centre of gravity of the fan since it has been held that rearranging parts of an invention involves only routine skill in the art. In re Japikse, 86 USPQ 70.

Regarding claim 14, Hayashi et al. disclose a rotary electrical machine wherein the fan is fixed eccentrically on the rotor (Fig. 1) in order to bring the axis of rotation of the machine into coincidence with the centre of gravity of the fan.

Regarding claim 15, Hayashi et al. disclose a rotary electrical machine wherein the rotor is a claw-type rotor (Fig. 2).

Regarding claims 16 and 17, the method of balancing the fan would be inherent and obvious since the prior art reference meet the structural limitation of the claimed device.

3. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's Admitted Prior Art (AAPA) in view of Hayashi et al (US 5,763,968) and further in view of Keyes (US 5,947,686).

Regarding claim 5, AAPA and Hayashi et al. disclose the invention except for showing a rotary electrical machine wherein at least one blade includes additions of material for the purpose of balancing the fan.

However, Keyes discloses a rotary electrical machine wherein at least one blade includes additions of material (Fig. 3 and Col. 4, lines 1-13) for the purpose of balancing the fan.

Since AAPA, Hayashi et al. and Keyes are in the same field of endeavor, the purpose disclosed by Keyes would have been recognized in the pertinent art of AAPA and Hayashi et al.

It would have been obvious at the time the invention was made to a person having an ordinary skill in the art to modify AAPA and Hayashi et al. by adding material to at least one blade as taught by Keyes for the purpose of balancing the fan.

4. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's Admitted Prior Art (AAPA) in view of Hayashi et al (US 5,763,968) and further in view of Shyu (US 5,193,983).

Regarding claim 6, AAPA and Hayashi et al. disclose the invention except for showing a rotary electrical machine wherein at least one blade has a chamfer for the purpose of balancing the fan.

However, Shyu discloses a rotary electrical machine wherein at least one blade includes at least one blade having fins to be trimmed to remove some materials for the purpose of balancing the fan (Col. 4, lines 5-12).

Since AAPA, Hayashi et al. and Shyu are in the same field of endeavor, the purpose disclosed by Shyu would have been recognized in the pertinent art of AAPA and Hayashi et al.

It would have been obvious at the time the invention was made to a person having an ordinary skill in the art to modify AAPA and Hayashi et al. by trimming or chamfering at least one blade to remove some materials as taught by Shyu for the purpose of balancing the fan.

#### ***Response to Arguments***

5. Applicant's arguments filed on 4/11/2008 have been fully considered but they are not persuasive. The applicant's argument is on the ground that the reference the Examiner relies on, Hayashi et al., fails to show "the fan fixed on the rotor is pre-balance prior to mounting on the rotor because Col. 4, lines 32-35 disclose a hatched portion X of the fan are cut to locate the central gravity of the front cooling fan 6 and Fig. 5 shows

the fan is mounted on the rotor". The Examiner respectfully disagrees with the Applicant because the reference does not disclose the fan is balanced after mounting on the rotor. Fig. 5 shows the fan with the rotor does not mean that the fan is balanced after mounting on the rotor. It is inherent that the fan is pre-balance prior to mounting on the rotor because if the fan is mounted on the rotor, the fan is a portion of the rotor and the center of gravity of the fan can not be located (only the center of gravity of the rotor can be located). Moreover, the limitation "prior to mounting on the rotor" refers to the method of making motor and the limitation has no patentable weight in the claimed device. For the reasons explained above, the rejection is still deemed proper.

#### ***Conclusion***

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

#### ***Information on How to Contact USPTO***



Art Unit: 2834

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hanh N Nguyen whose telephone number is (571) 272-2031. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner 's supervisor, Darren Schuberg, can be reached on (571) 272-2044. The fax phone numbers for the organization where this application or proceeding is assigned are (571) 273-8300 for regular communications and (571) 273-8300 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-1000.

/Karl I.E. Tamai/

Primary Examiner, Art Unit 2834

/Nguyen N Hanh/

Examiner, Art Unit 2834

August 8, 2008

